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Hearing Date: September 14, 2022
Opposition Date: June 9, 2022
Reply Date: July 13, 2022

Attorneys for Defendants Bank Hapoalim (Switzerland) Ltd. and Bank Hapoalim B.M.

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

ORAL ARGUMENT REQUESTED

IRVING H. PICARD, Trustee for the
Liquidation of Bernard L. Madoff Investment
Securities LLC,

Plaintiff,

v.

BANK HAPOALIM B.M. and BANK
HAPOALIM (SWITZERLAND) LTD.,

Defendants.

Adv. Pro. No. 12-01216 (CGM)

NOTICE OF MOTION TO DISMISS THE COMPLAINT

PLEASE TAKE NOTICE that, upon the accompanying Declaration of Scott S. Balber dated April 6, 2022 and the exhibits thereto, Defendants Bank Hapoalim (Switzerland) Ltd.'s

(“Hapoalim Switzerland”) and Bank Hapoalim B.M.’s (“Hapoalim B.M.”) (together, the “Hapoalim Defendants”) Memorandum of Law in Support of their Motion to Dismiss the Complaint dated April 6, 2022, and upon all prior pleadings and proceedings herein, the Hapoalim Defendants, will move this Court, pursuant to Rules 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure, made applicable here by Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, on September 14, 2022, at 10:00 a.m. prevailing Eastern Time, before the Honorable Cecelia G. Morris, Chief Judge, for an order dismissing in its entirety the Complaint filed in this action by Plaintiff Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC (ECF No. 1).

PLEASE TAKE FURTHER NOTICE that, pursuant to the Stipulation and Order entered on February 7, 2022 (ECF No. 113), all papers responsive to the Hapoalim Defendants’ Motion to Dismiss the Complaint shall be served and filed no later than June 9, 2022, and all reply papers in further support of the Hapoalim Defendants’ Motion to Dismiss the Complaint shall be served and filed no later than July 13, 2022.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, the Hapoalim Defendants do not consent to the entry of final orders or judgment by this Court.

Dated: New York, New York
April 6, 2022

**HERBERT SMITH FREEHILLS
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